IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 14897 of 2004

Between:

Smt. Sharmili Kumari W/o Babu Rao
R/o 10-325, Prashanthnagar, Near Moulali Railway Station, Hyderabad

..... PETITIONER

AND

1 A.P. State Road Transport Corporation, rep by Managing Director,

Musheerabad, Hyderabad-20
2 The Divisional Manager, APSRTC., Secunderabad Division,
Rathifile Bus Station, Secunderabad-3
3 The Depot Manager, APSRTC., Kushaiguda Depot, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 3rd respondent and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that order passed by the 3rd respondent in proceedings NO. 01/287(7)/2002-KG, dated 27-12-2002, in deleting the name of the petitioner from the approved/select list as illegal, unjust, contrary to law, in violation of principles of natural justice, amounts to unfair labour practice and without jurisdiction, and contrary to law, in violation of principles of natural justice, amounts to unfair labour practice and without jurisdiction, and

grant all consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.14897 OF 2004

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ORAL ORDER:

The petitioner worked as a Daily Wage Conductor in the respondent-Corporation. A show cause notice was issued to the petitioner on 16-12-2002 alleging that she unauthorisedly handed over the ticket trays and cash bag to another Conductor while performing duty on a particular route without any endorsement in the SR. It was further noticed that the bus reached the destination ten minutes early to the schedule time, causing much inconvenience to the travelling public.

2. The petitioner submitted her explanation giving appropriate replies to the allegations made against her in the show cause notice. The third respondent without any further enquiry passed an order on 27-12-2002 directing the deletion of the name of the petitioner from the approved selection list on the ground that she is not suitable for regular appointment.

3. The petitioner, being aggrieved by the order of the third respondent dated 27-12-2002 deleting her name from the approved selection list, approached this Court through this Writ Petition to declare the said order as illegal, unjust, contrary to law and violation of principles of natural justice.

4. The learned counsel for the petitioner submitted that the respondent without conducting any enquiry resorted to delete the name of the petitioner from the approved list of casual conductors. Therefore, the impugned order dated 27-12-2002 is not sustainable under law.

5. The material placed before the Court reveals that the petitioner worked

for more than one year in the respondent-Corporation. A show cause notice was issued to the petitioner and an order was passed by deleting her name from the list of the approved candidates. Had there been any misconduct on the part of the petitioner, the respondent ought to have conducted an enquiry by giving opportunity to the petitioner and pass appropriate orders. Had the impugned order been passed in pursuance of the enquiry report, the position would have been different. Since the third respondent resorted to delete the name of the petitioner from the approved list of casual conductors by disengaging her from service without conducting any enquiry, the said order cannot be sustained.

6. In the light of the above circumstances, the impugned order dated 27-12-2002 is set aside. The third respondent is directed to restore the name of the petitioner in the list of approved casual conductors and continue to avail her services as and when required. However, this order will not preclude the respondent-Corporation from conducting any enquiry as per regulations against the petitioner for the above mentioned irregularities after giving opportunity to her and to pass appropriate orders according to law.

7. The Writ Petition is accordingly allowed. No order as to costs.

Dr. G.YETHIRAJULU, J

23rd August, 2004.

SKM

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Monday the twenty third day of August Two thousand and Four.

REGISTRAR

TO

1 The Managing Director,A.P. State Road Transport Corporation,

Musheerabad, Hyderabad-20

2 The Divisional Manager, APSRTC., Secunderabad Division,
Rathifile Bus Station, Secunderabad-3

3 The Depot Manager, APSRTC., Kushaiguda Depot, Hyderabad

4 Two C.D. Copies.